

AMENDMENTS TO THE DRAWINGS

The attached eleven (11) sheets of drawings include changes to all figures. Specifically, the handwritten reference characters have been replaced with clear reference characters.

Attachment: Replacement sheets (11 total)

REMARKS/ARGUMENTS

The Applicants' representative has reviewed the Examiner's Office Action of November 21, 2006, in which the Examiner objected to the drawings, rejected claims 11-26 as being indefinite, rejected claims 1-10 and 27-31 as being unpatentable over U.S. Patent No. 6,158,330 to Andress ("Andress") in view of U.S. Patent No. 2,253,834 to Volks ("Volks") and rejected claims 11-26 as being unpatentable over Andress in view of U.S. Patent No. 5,755,154 to Schroeter ("Schroeter").

Drawing Objections

In accordance with the Examiner's request, replacement drawing sheets which provide clear reference characters are submitted herewith.

Claim Rejection under 35 USC § 112

The Examiner rejects claims 11-26 as being indefinite on the basis that claim 11 recites the limitation "the gas burner portions" without sufficient antecedent basis. As the Examiner correctly surmised, the recited "portions" corresponds to the previously introduced "sections." Claim 11 is hereby amended to correct this inconsistency.

Claim Rejection under 35 USC § 103 (Andress in view of Voss)

The Examiner has taken the position that Andress discloses all of the limitations of claims 1-10 and 27-31 except that Andress does not expressly provide that the heating source is a gas burner in a lower portion of the cooking chamber. The Examiner relies upon Volks for its purposed disclosure of a gas burner within a cooking chamber that is positioned below a cooking grate.

The Applicants' representative respectfully disagrees with the Examiner for the reasons provided in the previous Amendment and Response of 19 February 2007. While the Applicants wish to preserve those arguments for appeal, if one is required, the claims are nevertheless revised to further clarify and distinguish the claims from the cited art.

Claims 1 and 27 are revised to clarify that "each of the plurality of openings hav[e] an axis which is aligned vertically and extend[s] through the entire cooking grate to permit convection of heated air from a lower portion of the cooking chamber to the upper portion of the cooking chamber." This configuration is not disclosed or suggested by Address. Address discloses a cooking grate having two layers of sheet metal. Although Address discloses that each layer could include openings, the Examiner's rejection specifically relies on the openings in the lower sheet to be omitted (see page 5-6 of the 7 May 2007 office action – "a person of ordinary skill in the art would readily omit the cutouts resulting in solid areas between the troughs (13 and/or 18) as well"). In that respect, the prior art grate relied upon by the Examiner does not have openings which extend through the entire cooking grate. Even if the openings in the lower sheet of the Address grate were present, it is submitted that the openings in the top sheet are offset from the openings in the bottom sheet (i.e., they are not in overlying relation). In that respect, any given top sheet opening when combined with any given bottom sheet opening would not have an axis which is aligned vertically. Unlike the Applicants' grate, which allows heated air to pass vertically and unobstructed through the openings, heated air must take a circuitous route through the Address grate to get from the lower portion of the cooking chamber to the upper portion.

Claim 4 is revised to clarify that the sloped grease control structure, which is configured on the upper surface of the energy reception portion, directs grease through the openings between the cooking members. This configuration, which is also called for by Claim 27, is not disclosed by Andress. The Examiner asserts that Andress's troughs 13 have a curved or sloped portion which are considered to be on the upper surface of the energy receptor. However, these troughs are below the openings 16 between the cooking members, and therefore cannot direct grease through the openings.

Claims 5 and 25 are revised to clarify that the apex of the grease control structure is located at an elevation below the cooking surface of the cooking grate and between the cooking members, whereby the apex has direct exposure to items placed on the cooking surface. The purported apex of Andress is disposed directly below the cooking members (i.e., in overlying relation) whereby the purported apex cannot have direct exposure to items placed on the cooking surface.

Claims 6 and 30 are revised to clarify that the ridge of the lower grease control structure forms a closed loop around the perimeter of the solid energy receptor portion. This configuration is not disclosed by Andress. In this manner, the ridge provides a barrier to prevent grease drippings from riding along the underside of the solid energy receptor portion to a point above the gas burner, where it will likely drip onto the burner and potentially start a grease fire.

Claim Rejection under 35 USC § 103 (Andress in view of Schroeter)

The Examiner has taken the position that Andress discloses all of the limitations of claims 11-26 except that Andress does not expressly provide that the heating source is a gas burner that includes first and second sections arranged transverse to one another or that the

cooking grate is adjacent the gas burner such that no structure is location between the gas burner and the solid energy receptor portion of the cooking grate. The Examiner relies upon Schroeter for its purposed disclosure of these structures and configurations.

Although the Applicants' representative respectfully disagrees with the Examiner, the claims are nevertheless revised as described below to further clarify and distinguish the claims from the cited art.

First, claim 11 is revised to clarify that the lengths (i.e., the longest dimension) of the first and second sections of the energy receptor plane are aligned parallel to the first and second gas burner sections, respectively. Furthermore, the first and second sections of the energy receptor plane extend the entire length of the flame regions of the gas burner sections. For obvious reasons, these structures and configurations are not disclosed by Andress.

Claims 6 and 30 are revised to clarify that the ridge of the lower grease control structure forms a closed loop around the perimeter of the solid energy receptor portion. In this manner, the ridge provides a barrier to prevent grease drippings from riding along the underside of the solid energy receptor portion to a point above the gas burner, where it will likely drip onto the burner and potentially start a grease fire. This configuration is not disclosed by Andress.

Finally, Claim 26 is revised to clarify that each of the plurality of openings has an axis which is aligned vertically and extends through the entire cooking grate to allow a portion of the convective energy emitted from the gas burner to pass through the cooking grate and into an upper portion of the cooking chamber. This configuration is not taught by Andress for the reasons provided above for claims 1 and 27.

Information Regarding Co-Pending Application

It has recently come to the undersigned's attention that an issued patent and a co-pending application exist that share a similar disclosure to the present application: See Patent Application No. 11/262,130 ("the '130 application") and U.S. Patent No. 7,073,429 ("the '429 patent"). The '130 application and '429 patent are not prior art since they have effective filing dates which are the same as the present application.

While the prior art cited in this application, the '130 application, and the '429 patent have been cross referenced, the Applicants' representative nevertheless wishes to bring the '130 application and '429 patent to the Examiner's attention. The claims in the '130 application and the '429 patent are generally directed to a different aspect of a cooking grate than the present application, namely the grease control structures. However, some overlap between the claims may exist, and to that extent, the Examiner may believe that a terminal disclaimer is appropriate. The Applicants' representative respectfully request that the Examiner review the issued and pending claims in the '130 application and the '429 patent and the most recent office action in the '130 application of June 6, 2007 to the extent that they may be relevant to the present application. In the event that the Examiner believes a discussion of the '130 application and '429 patent would be worthwhile, the Examiner is invited to contact the undersigned at 312-861-8024.

Conclusion:

For the foregoing reasons, the Applicants believe that the claims are sufficiently distinguished from the prior art and are in condition for allowance.

The Applicant believes that a three month extension of time fee is required for submission of this document. You are hereby authorized to deduct the any required

amounts from our Deposit Account No. 02-0400 (Baker & McKenzie). *When identifying such a withdrawal, please use the Attorney Docket Number WEB-954.*

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Respectfully,

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